

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2159

**Introduced by Assembly Members Gonzalez and Bonta
(Coauthor: Assembly Member Medina)**

February 17, 2016

An act to add Section 351.2 to the Evidence Code, relating to evidence.

LEGISLATIVE COUNSEL’S DIGEST

AB 2159, as amended, Gonzalez. Evidence: immigration status.

Existing law provides that all relevant evidence is admissible in an action before the court, including evidence relevant to the credibility of a witness or hearsay declarant, subject to specified exceptions.

This bill would provide that, in civil actions for personal injury or wrongful death, evidence of a person’s immigration status is not admissible and discovery of a person’s immigration status is not permitted. The bill would also ~~express the intent of the Legislature~~ *provide* that these restrictions do not affect the ~~rights or obligations of a person~~ *standards of relevance, admissibility, or discovery* under other specified provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. The Legislature finds and declares that Section~~
- 2 ~~351.2 of the Evidence Code does not affect the rights or obligations~~
- 3 ~~of a person under Section 3339 of the Civil Code, Section 7285~~

1 of the Government Code, Section 24000 of the Health and Safety
2 Code, or Section 1171.5 of the Labor Code.

3 ~~SEC. 2.~~

4 *SECTION 1.* Section 351.2 is added to the Evidence Code, to
5 read:

6 351.2. ~~In~~(a) *In* a civil action for personal injury or wrongful
7 death, evidence of a person's immigration status shall not be
8 admitted into evidence, nor shall discovery into a person's
9 immigration status be permitted.

10 (b) *This section does not affect the standards of relevance,*
11 *admissibility, or discovery prescribed by Section 3339 of the Civil*
12 *Code, Section 7285 of the Government Code, Section 24000 of the*
13 *Health and Safety Code, and Section 1171.5 of the Labor Code.*